

1 JAMES M. FINBERG (SBN 114850)
2 EVE H. CERVANTEZ (SBN 164709)
3 CONNIE K. CHAN (SBN 284230)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064
Email: jfinberg@altshulerberzon.com
Email: ecervantez@altshulerberzon.com
Email: cchan@altshulerberzon.com

7 Attorneys for Plaintiffs NICK CANCELLA,
8 GREG JEWELL, DAVID BEAUSOLEIL,
PATRICK SWEENEY, LUCIO FLORES,
THOMAS JENNISON, MICHAEL
EMANUEL, ROBERT BIRCH, KENNETH
FORBES, BRIAN O'NEIL, and
FREDERICK SIMON,
and all others similarly situated

12 [additional counsel for Plaintiffs' and those
similarly situated listed on signature page]

JODY A. LANDRY
LINDSEY M. STEVENS
LITTLER MENDELSON, P.C.
501 W. Broadway
Suite 900
San Diego, CA 92101
Telephone: (619) 232-0441
Facsimile: (619) 232-4302
Email: jlandry@littler.com
Email: lsteven@littler.com

Attorneys for Defendant Ecolab Inc.

[additional counsel for Defendant Ecolab Inc.
listed on signature page]

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 NICK CANCELLA, GREG JEWELL, DAVID)
BEAUSOLEIL, PATRICK SWEENEY,)
LUCIO FLORES, THOMAS JENNISON,)
MICHAEL EMANUEL, ROBERT BIRCH,)
KENNETH FORBES, BRIAN O'NEIL, and)
FREDERICK SIMON, on behalf of)
themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 ECOLAB INC., a corporation,

23 Defendant.

) Case No. CV 12-03001 CRB

) **STIPULATION AND ORDER
REGARDING BRIEFING AND
HEARING SCHEDULE FOR
DEFENDANT ECOLAB'S MOTION
FOR DECERTIFICATION OF THE
FLSA COLLECTIVE ACTION**

) Date: n/a

) Time: n/a

) Ctrm.: 6

) Judge: Hon. Charles R. Breyer

) **Complaint Filed: June 11, 2012**

) **Trial Date: August 19, 2015**

1 Plaintiffs Dave Beausoleil; Patrick Sweeney; Lucio Flores; Thomas Jennison; Michael
2 Emanuel, Robert Birch; Kenneth Forbes; Brian O’Neil, and Frederick Simon (“Plaintiffs”)
3 on behalf of themselves and all others similarly situated, and Defendant Ecolab Inc., (“Ecolab”)
4 (collectively “the Parties”) by and through their respective attorneys of record, hereby stipulate
5 and agree as follows:

6 WHEREAS, on Thursday, December 18th, 2014, Ecolab filed a Motion for
7 Decertification of Conditionally Certified Collective Action, and noticed that motion to be heard
8 on February 13, 2015, the same date on which Plaintiffs’ Motion for certification of Rule 23 state
9 classes is scheduled to be heard;

10 WHEREAS, under the Local Rules, Plaintiffs’ opposition to Ecolab’s Motion to
11 Decertify would be due on Friday, January 2, 2015, with Ecolab’s reply due on January 9, 2015;

12 WHEREAS, due to the upcoming holiday season, many of Plaintiffs’ attorneys have
13 vacations planned during the next two weeks;

14 WHEREAS, the offices of Plaintiffs’ counsel will be closed several days during the next
15 two weeks;

16 The Parties, through their undersigned representative counsel of record, hereby stipulate
17 as follows:

18 1. Plaintiffs’ papers in opposition to Defendant Ecolab’s Motion for Decertification
19 of Conditionally Certified Collective Action shall be due on Tuesday, January 13, 2015.

20 2. Defendant Ecolab’s reply papers in Support of its Motion for Decertification of
21 Conditionally Certified Collective Action shall be due on Thursday, January 22, 2015.

22 3. The hearing on Ecolab’s Motion to Decertify shall remain on February 13, 2015.

23 IT IS SO STIPULATED.

24
25 Dated: December 22, 2014

/s/ James M. Finberg _____
JAMES M. FINBERG
EVE H. CERVANTEZ
CONNIE K. CHAN
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, CA 94108

1 Telephone: (415) 421-7151
2 Facsimile: (415) 362-8064
3 Email: jfinberg@altber.com
Email: ecervantez@altber.com
Email: cchan@altber.com

4 ROBERT S. NELSON
5 NELSON LAW GROUP
6 345 West Portal Avenue, Suite 110
7 San Francisco, CA 94127
Telephone: (415) 702-9869
Facsimile: (415) 592-8671
Email: rnelson@nelsonlawgroup.net

8 STEVEN G. ZIEFF (SBN: 84222)
9 DAVID A. LOWE (SBN: 178811)
JOHN T. MULLAN (SBN: 221149)
MICHELLE LEE (SBN 266167)
10 RUDY, EXELROD, ZIEFF & LOWE, L.L.P.
351 California Street, Suite 700
11 San Francisco, CA 94104
Telephone: (415) 434-9800
Facsimile: (415) 434-0513
Email: sgz@rezähl.com
Email: dal@rezähl.com
Email: jtm@rezähl.com

12 JEFFREY LEWIS (SBN 66587)
13 DARIN D. RANAHAAN (SBN 273532)
LEWIS, FEINBERG, LEE, RENAKER
& JACKSON, P.C.
476 9th Street
14 Oakland, CA 94607
Telephone: (510) 839-6824
Facsimile: (510) 839-7839
Email: tjackson@lewisfeinberg.com

15 MICHAEL J.D. SWEENEY (admitted pro hac vice)
16 GETMAN & SWEENEY, PLLC
9 Paradies Lane
17 New Paltz, NY 12561
Telephone: (845) 255-9370
Facsimile: (845) 255-8649
Email: msweeney@getmansweeney.com

18 JUSTIN M. SWARTZ (admitted pro hac vice)
19 MOLLY BROOKS (admitted pro hac vice)
OUTTEN & GOLDEN LLP
3 Park Avenue, 29th Floor
20 New York, NY 10016
Telephone: (212) 245-1000
Facsimile: (646) 509-2057
Email: jms@outtengolden.com
Email: mb@outtengolden.com

1 Attorneys for Plaintiffs NICK CANCELLA,
2 DAVID BEAUSOLEIL, PATRICK SWEENEY,
3 LUCIO FLORES, THOMAS JENNISON,
4 MICHAEL EMANUEL, ROBERT BIRCH,
KENNETH FORBES, BRIAN O'NEIL,
FREDERICK SIMON, and all others similarly
situated

5
6 Dated: December 22, 2014

/s/ Jody A. Landry
7 JODY A. LANDRY
LINDSEY M. STEVENS
8 LITTLER MENDELSON, P.C.
501 W. Broadway
Suite 900
9 San Diego, CA 92101
Telephone: (619) 232-0441
Facsimile: (619) 232-4302
Email: jlandry@littler.com
Email: lsteven@littler.com

12 SHIRLEY O. LERNER
13 ANDREW J. VOSS
14 LITTLER MENDELSON, P.C.
1300 IDS Center
15 80 South 8th Street
Minneapolis, MN 55402
Telephone: (612) 630-1000
Facsimile: (612) 630-9626
Email: slerner@littler.com
Email: avoss@littler.com

16 Attorneys for Defendant Ecolab Inc.
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to the Parties' foregoing stipulation, it is hereby ordered as follows:

1. Plaintiffs' papers in opposition to Defendant Ecolab's Motion for Decertification of Collectively Certified Collective Action shall be due on Tuesday, January 13, 2015.

5 2. Defendant Ecolab's reply papers in Support of its Motion for Decertification of
6 Collectively Certified Collective Action shall be due on Thursday, January 22, 2015.

3. The hearing on Ecolab's Motion to Decertify is reset for February 27, 2015.

IT IS SO ORDERED.

Dated: January 6, 2015

